

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001(ss) be amended to read as follows:

- 1 Page 300, between lines 39 and 40, begin a new paragraph and
- 2 insert:
- 3 "SECTION 275. IC 8-3-1-1.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) As used in this section,**
- 6 **"municipality" has the meaning set forth in IC 36-1-2-11.**
- 7 **(b) As used in this chapter, "railroad" means a Class I, Class II,**
- 8 **or Class III railroad as established by the Interstate Commerce**
- 9 **Commission.**
- 10 **(c) A railroad may not store a railroad car, whether loaded or**
- 11 **empty, on a track, sidetrack, siding, switch, spur, or turnout track**
- 12 **within the limits of a municipality for longer than ninety (90) days**
- 13 **unless the area of storage has been zoned appropriately as a**
- 14 **confined area for railroad car storage.**
- 15 **(d) A railroad that stores a railroad car subject to subsection (c)**
- 16 **shall place a tag on the railroad car prominently displaying the**
- 17 **date that the railroad car was first placed on the track, sidetrack,**
- 18 **siding, switch, spur, or turnout track. A railroad that fails to place**
- 19 **a tag in this manner on a railroad car shall be assessed a civil**
- 20 **penalty of one hundred dollars (\$100) by the department.**
- 21 **(e) A police officer who finds or is notified of a railroad car that**
- 22 **does not bear a tag as required under subsection (d) shall attach in**
- 23 **a prominent place a notice tag containing the following**
- 24 **information:**

(1) The date, time, police officer's name, public agency employing the police officer, and address and telephone number to contact for information.

(2) That the railroad car is required to bear a tag as required by this section.

The police officer shall immediately notify the department of the placement of the notice tag by the police officer. The department shall maintain records of notifications by police officers.

(f) A railroad that fails to move a railroad car from a track, sidetrack, siding, switch, spur, or turnout track after ninety (90) days from the date of first placement on the track, sidetrack, siding, switch, spur, or turnout track shall be assessed a civil penalty by the department of five hundred dollars (\$500) a day for each day that the railroad car remains on the track, sidetrack, siding, switch, spur, or turnout track, beginning with the ninety-first day of storage. For purposes of subsection (e) and this subsection, the date the police officer places on the notice tag is considered to be the date of first placement of the railroad car. Each railroad car that is stored in violation of this subsection shall be assessed a separate civil penalty.

(g) A civil penalty assessed and collected by the department under subsection (d) or (f) shall be deposited by the department in the general fund of the municipality in which the railroad car that is the subject of the civil penalty is located.

SECTION 276. IC 8-3-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **Except as provided in section 1.5 of this chapter**, the term "railroad" as used in this chapter shall mean and include any railroad whether its locomotives are powered by steam, combustion-type fuel, or electricity other than a hobby, tourist, amusement, and non-freight-carrying railroad.

SECTION 277. IC 8-3-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) **Except as provided in section 1.5 of this chapter**, a carrier subject to this chapter who knowingly violates or fails to comply with this chapter commits a Class B infraction.

(b) A carrier who fails to comply with any final order made against it by the department in any proceeding pending before the department, in which any carrier is a party, unless the order is suspended, annulled, or set aside by some court, shall forfeit and pay to the state for each violation of any such order a penalty of not more than one thousand dollars (\$1,000).

(c) A carrier subject to this chapter who knowingly charges, collects, demands, or receives from any person a different rate, charge, or compensation for the transportation of persons or property, or for any service performed or to be performed by the carrier, than that fixed

1 in the schedule of rates filed with the department, the schedule of rates
2 adopted by the department, or the schedule of rates ordered observed
3 by any court, commits a Class A infraction."

4 Renumber all SECTIONS consecutively.

(Reference is to HB 1001(ss) as printed June 15, 2009.)

Representative Pflum